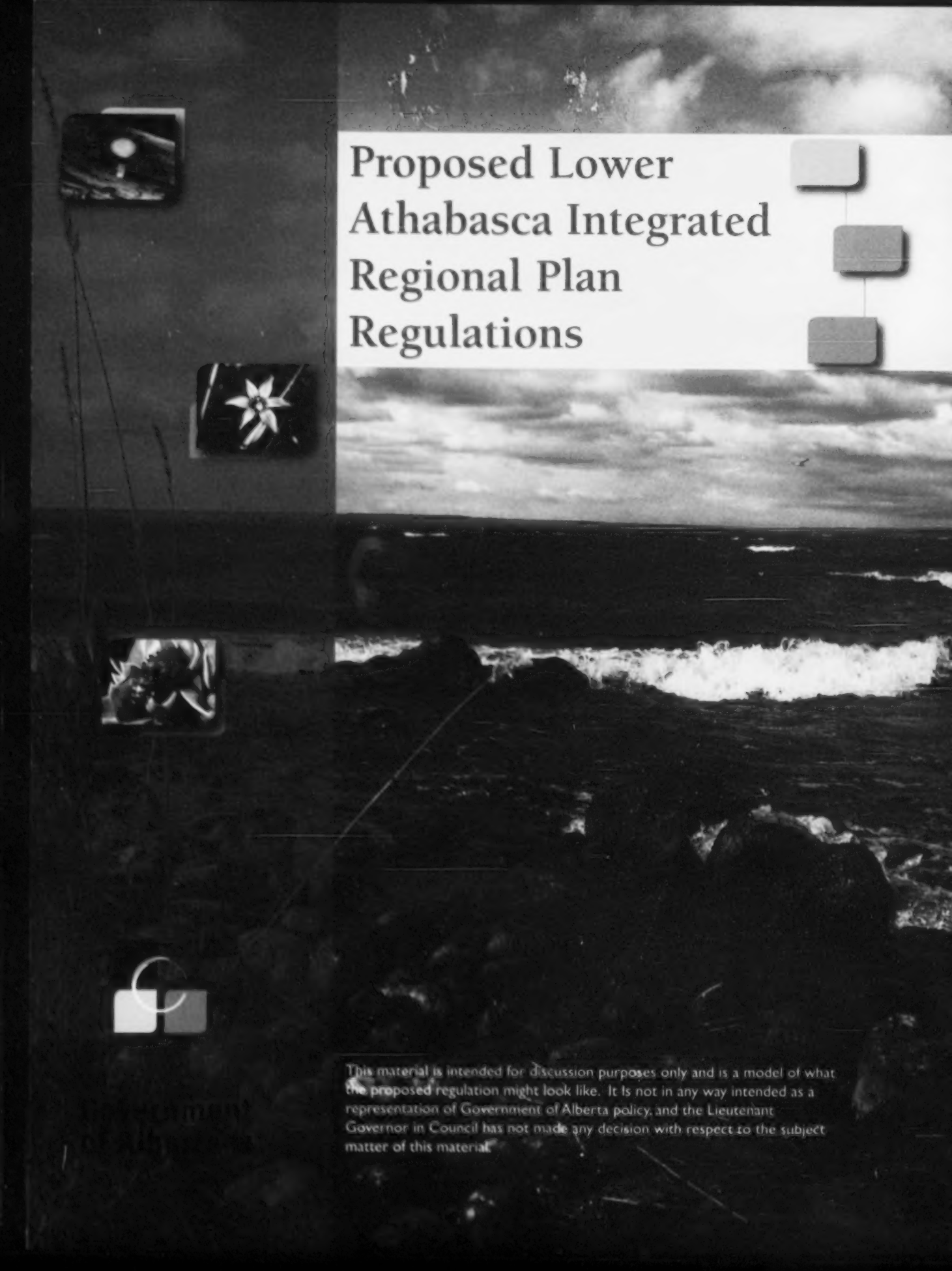

# Proposed Lower Athabasca Integrated Regional Plan Regulations

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**APPENDIX**

**ALBERTA REGULATION __/2011**

**Alberta Land Stewardship Act**
**Environmental Protection and Enhancement Act**
**Mines and Minerals Act**
**Provincial Parks Act**
**Public Lands Act**
**Water Act**

**LOWER ATHABASCA INTEGRATED REGIONAL PLAN REGULATIONS**

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# Part 1

## Interpretation

**Definitions**

**1(1)** In the Lower Athabasca Regional Plan,

(a) "Act" means the *Alberta Land Stewardship Act*;

(b) "LARP Implementation Plan" means the instrument referred to in section 3(1)(b);

(c) "LARP Strategic Plan" means the instrument referred to in section 3(1)(a);

(d) "Lower Athabasca Regional Plan" means the regional plan in respect of the integrated planning region adopted under section 2 and includes these regulations;

(e) "planning region" means the Lower Athabasca Integrated Planning Region established under O.C. _____/2011.[1]

**Integrated Planning Region Adopted**

**2** The Lower Athabasca Integrated Planning Region established under AR _____/2011 is adopted as the planning region for which the Lower Athabasca Regional Plan is made.

**Lower Athabasca Regional Plan**

**3** The following instruments and enactment constitute the Lower Athabasca Regional Plan:

(a) The Government of Alberta's Lower Athabasca Regional Plan – Strategic Plan 2011-2021, appended to and made under O.C. ___/2011,

(b) The Government of Alberta's Lower Athabasca Regional Plan – Implementation Plan 2011-2021, appended to and made under O.C. ___/2011,[2] and

(c) these regulations.

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[1] A separate regulation will establish the planning regions.
[2] This will likely be the same O.C. as 3(a).



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**Legal effect of LARP Strategic Plan**

**4(1)** The provisions of the LARP Strategic Plan shall be interpreted as statements of provincial policy to inform the Crown, decision-makers, local government bodies and all persons in respect of the following activities in the planning region:

(a) identifying the objectives of the Province of Alberta;

(b) planning for the future;

(c) managing activities to meet the reasonably foreseeable needs of current and future generations of Albertans, including aboriginal peoples;

(d) considering future proposals for land-use and development;

(e) setting priorities in the co-ordination of decisions by decision-makers and local government bodies;

(f) monitoring the cumulative effect of human endeavour and other events;

(g) responding to the cumulative effect of human endeavour and other events; and

(h) generally in respect of carrying out their respective powers, duties, and responsibilities.

**(2)** After the coming into force of the Lower Athabasca Regional Plan, a decision-maker shall, before carrying out any function in respect of the decision-maker's powers, duties and responsibilities in the planning region, consider the LARP Strategic Plan.

**(3)** After the coming into force of the Lower Athabasca Regional Plan, a local government body shall, before carrying out any function in respect of the local government body's powers, duties and responsibilities in the planning region, consider the LARP Strategic Plan.

**Legal effect of LARP Implementation Plan**

**5(1)** The provisions of the LARP Implementation Plan shall be interpreted as statements of provincial policy to guide and direct



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the Crown, local government bodies and decision-makers in respect of the following activities in the planning region:

(a) managing activities to meet the reasonably foreseeable needs of current and future generations of Albertans, including aboriginal peoples;

(b) enforcing compliance with any provision of these regulations or any other enactment;

(c) setting priorities in the co-ordination of decisions by decision-makers and local government bodies;

(d) monitoring the cumulative effect of human endeavour and other events;

(e) responding to the cumulative effect of human endeavour and other events; and

(f) generally in respect of carrying out their respective powers, duties, and responsibilities.

**(2)** After the coming into force of the Lower Athabasca Regional Plan, a decision-maker shall, before carrying out any function in respect of the decision-maker's powers, duties and responsibilities in the planning region, consider the LARP Implementation Plan.

**(3)** After the coming into force of the Lower Athabasca Regional Plan, a local government body shall, before carrying out any function in respect of the local government body's powers, duties and responsibilities in the planning region, consider the LARP Implementation Plan.

**Binding on the Crown and others**

**6(1)** These regulations and the schedules bind the Crown, local government bodies, decision-makers, and subject to section 15.1 of the Act, all other persons.[3]

**(2)** The schedules form part of these regulations.

3 This section makes it clear that the legislative language of the regulations is binding on everyone.



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**Compliance declaration**

**7** For the purposes of section 20(2) of the Act, the time within which a local government body must comply with that section is 5 years.

**Compliance declaration**

**8** For the purposes of section 21(2) of the Act, the time within which a decision-making body must comply with that section is 2 years.

## Part 2
## Conservation of Ecosystems

### Division 1
### Conserved Land

**Designated Minister**

**9** For the purposes of this Division, the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Surveys Act* is the Designated Minister.[4]

**Definitions**

**10(1)** In this Division,

**(b)** "conservation purposes" in respect of land means the purposes referred to in section 29(1) of the Act, but does not include the following agricultural purposes:

(i) cultivation,

(ii) clearing,

(iii) fencing, or

[4] As of April 1, 2011, this means the Minister of Sustainable Resource Development. Section 7 of the *Surveys Act* puts mapping the province into the mandate of the Minister responsible for the Act.



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(iv) range improvements within the meaning of regulations rules under the *Public Lands Act*.

(b) "conserved land" means:

(i) wildland parks within the meaning of the *Provincial Parks (General) Regulation* designated under the *Provincial Parks Act*;

(ii) other parks designated under the *Provincial Parks Act* primarily for one or more conservation purposes;

(iii) wilderness areas, ecological reserves, and natural areas under the *Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act*; and

(iv) public land use zones under the *Public Lands Act* established for one or more conservation purposes.

**Conserved land required**

**11(1)** The Designated Minister shall establish and maintain programs:

(a) monitoring the combined area of conserved land;[5]

(b) evaluating the ratio of conserved land to the total area of land comprising the planning region;

(c) reporting on the evaluation referred to in clause (b), including reporting on adverse trends or effects.

**(2)** The Designated Minister may, by order, establish delegated authorities and the delegation to one or more delegated authorities of the performance of any of the Designated Minister's duties or functions or the exercise of any of the Designated Minister's powers under this Part and make any provision with respect to any such delegation that is made with respect to the Department of Labour in Schedule 10 to the *Government Organization Act* or that may be made by regulations under section 2 of that Schedule.

[5] This section requires that there be conserved land in the region, and that the Designated Minister keep track of it.



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**(3)** The Designated Minister shall report under clause (1)(c):

(a) in writing;

(b) not less than once within the first 4 years following the coming into force of the Lower Athabasca Regional Plan;

(c) not less than once within the next following 5 years after the expiry of the period referred to in clause (b); and

(d) in the opinion of the Designated Minister, reasonable details of the monitoring and evaluation.

**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

## Division 2
## Conservation Areas

**Definitions**

**12** In this Division,"conservation area" means a wildland park or a public land use zone declared or designated under schedules 1 – 5 of these regulations.[6]

**Designated Minister in respect of two conservation areas**

**13** For the purposes of this Division in respect of the conservation areas under Schedules 4 and 5, the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Public Lands Act* is the Designated Minister.[7]

**Designated Minister in respect of three conservation areas**

**14** For the purposes of this Division in respect of the conservation areas under Schedules 1, 2 and 3, the Minister designated under section 16 of the *Government Organization Act*

[6] These schedules will become part of separate Orders in Council designating the wildland parks and separate regulations declaring the public land use zones.

[7] As of April 1, 2011, this means the Minister of Sustainable Resource Development. Land management is under the authority of the *Public Lands Act*.



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as the Minister responsible for the *Provincial Parks Act* is the Designated Minister.[8]

**Conservation objectives**

**15(1)** Subject to section 47(d) and subsection (3), a decision-maker shall not issue or renew a statutory consent in a conservation area unless in the Designated Minister's opinion the activity or proposed activity will protect or enhance one or more of the following objectives in the following order of priority:

(a) in respect of an activity or proposed activity in the conservation areas under Schedules 1, 2 and 3:

(i) first, to conserving the environment, biological diversity, wildlife corridors and wildlife habitat in the conservation area,

(ii) second, any other objective consistent with the conservation objectives stated in the LARP Implementation Plan;

(b) in respect of an activity or proposed activity in the conservation areas under Schedules 4 and 5:

(i) first, to conserving the environment, biological diversity, wildlife corridors and wildlife habitat in the conservation area,

(ii) second, to managing and harvesting timber consistent with the objectives stated in the LARP Implementation Plan, and

(iii) third, any other objective consistent with the conservation objectives stated in the LARP Implementation Plan.

**(2)** Subject to section 47(d) and subsection (3), if there is a conflict between one or more of the objectives for a conservation area in respect of an activity or proposed activity in the conservation area, a decision-maker must not issue or renew a statutory consent for the activity or proposed activity unless, in the

[8] As of April 1, 2011, this means the Minister of Tourism, Parks and Recreation. Wildland parks are provincial parks under the *Provincial Parks Act*.



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opinion of the Designated Minister, the objective referred to in clause (1)(a)(i) and (1)(b)(i) will be protected or enhanced under the terms of the statutory consent.

**(3)** Except as provided in Schedules 1 – 5, existing agreements under the *Mines and Minerals Act* and dispositions under the *Public Lands Act* may be renewed under the provisions of those Acts in a conservation area if:

(a) the agreement or disposition is valid and subsisting at the time the Lower Athabasca Regional Plan comes into force;

(b) the agreement or disposition is incidental to an agreement or disposition within the meaning of section 47(d); and

(c) the agreement or disposition is, at the effective date of renewal, in good standing under the provisions of the enactments applicable to the agreement or disposition.

**Programs to manage objectives**

**16(1)** In respect of the land-use in a conservation area, the Designated Minister shall establish and maintain programs:

(a) evaluating the effectiveness of the conservation area in meeting the conservation objectives in the LARP Implementation Plan;

(b) reporting on the evaluation referred to in clause (a), including reporting on adverse trends or effects;

(c) informing decision-makers about the protection and enhancement of objectives for the purposes of section 15.

**(2)** The Designated Minister shall report under clause (1)(b):

(a) in writing;

(b) not less than once within the first 4 years following the coming into force of the Lower Athabasca Regional Plan;

(c) not less than once within the next following 5 years after the expiry of the period referred to in clause (b); and



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(d) in the opinion of the Designated Minister, reasonable details of the monitoring and evaluation.

**(3)** A report referred to in subsection (2) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

## Division 3
## Biodiversity[9]

**Designated Minister**

**17(1)** For the purposes of this Division, the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Fisheries (Alberta) Act*, the *Public Lands Act* and the *Wildlife Act* is the Designated Minister.[10]

**(2)** If the Minister responsible for the Fisheries (Alberta) Act, the *Public Lands Act* and the *Wildlife Act* are not the same Minister, then those Ministers shall be jointly the Designated Minister, and a reference in this Division to the Designated Minister shall be deemed to be a reference to both of them.

**Application of Division**

**18(1)** Subject to subsection (2), this Division applies to

(a) the Crown,

(b) decision-makers,

(c) local government bodies, and

(d) subject to section 15.1 of the Act, all other persons.

[9] This division is inserted for reference only and will not be in the final regulations – a biodiversity framework is directed by the LARP implementation plan to be made before 2013. At that time, the regional plan will need to be amended to include this Division, and the appropriate adoption of the framework in the LARP implementation plan.

[10] As of April 1, 2011, this means the Minister of Sustainable Resource Development. The *Wildlife Act* is the Act under which species at risk are identified in Alberta, and the *Wildlife Act* and *Fisheries (Alberta) Act* are the Acts primarily by which species and biodiversity are managed and regulated in Alberta.



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in respect of activities and the effects of human endeavour and activities in the planning region situated on public land under the administration of a government department.

**(2)** If, in the Designated Minister's opinion, an activity or proposed activity in respect of land in another planning region is directly or indirectly contributing to exceeding a limit or trigger within the meaning of this Division the Designated Minister may, by order, declare this Division applicable to a person in the other planning region and direct the person to comply with this Division in respect of the activity or proposed activity whether or not a statutory consent has been issued for the activity or proposed activity.

**Definitions**

**19(1)** In this Part,

(a) "framework" means the Biodiversity Management Framework for the Lower Athabasca Planning Region adopted under the LARP Implementation Plan;

(b) "land disturbance" means a subsisting or predictable, recurring state of one or more of the following occurring as a result of human activity:

(i) movement, removal, or alteration of a resource;

(ii) movement, removal, or alteration of a landform;

(iii) movement, removal, or alteration of a water body, watercourse, or wetland;

(iv) movement, removal, or alteration of airflow;

(v) movement, removal, or alteration of ambient sound volumes;

(vi) movement, removal, or alteration of ambient light.

(c) "limit" means the applicable interim limit specified in the table incorporated and adopted under section 21;

(d) "person responsible" has the same meaning as defined in the *Public Lands Act*;



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(e) "resource" has the same meaning as defined in the *Public Lands Act*;

(f) "trigger" means the applicable interim trigger specified in the table incorporated and adopted under section 21.

**(2)** In any proceedings under this Division land disturbance and biodiversity statistics calculated at sample plots established and maintained under a program referred to in section 20 shall be conclusive evidence of the measure of biodiversity in the relevant area part of the area of the planning region.

**Programs to manage effects**

**20(1)** In respect of the framework, the Designated Minister shall establish and maintain programs:

(a) managing land disturbance limits and triggers that in the opinion of the Designated Minister are indicators of the biodiversity health for the planning region;

(b) regulating the sources of land disturbance referred to in clause (a) to so as not to exceed an applicable limit referred to in clause (a);

(c) regulating the sources of land disturbance referred to in clause (a) to so as to mitigate the effect of exceeding an applicable trigger referred to in clause (a);

(d) monitoring and evaluating the land disturbance in respect of public land in the planning region as part of a provincial biodiversity monitoring program;

(e) evaluating the effectiveness of the framework in meeting the biodiversity health objectives stated in the LARP Implementation Plan;

(f) reporting on the monitoring and evaluation referred to in clauses (d) and (e), including reporting on adverse trends or effects; and

(g) informing decision-makers about applicable limits for the purposes of section 22.



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**(2)** The Designated Minister may, by order, establish delegated authorities and the delegation to one or more delegated authorities of the performance of any of the Designated Minister's duties or functions or the exercise of any of the Designated Minister's powers under this Part and make any provision with respect to any such delegation that is made with respect to the Department of Labour in Schedule 10 to the *Government Organization Act* or that may be made by regulations under section 2 of that Schedule.

**(3)** The Designated Minister shall report under clause (1)(f):

(a) in writing;

(b) not less than once within the first 4 years following the coming into force of the Lower Athabasca Regional Plan;

(c) not less than once within the next following 5 years after the expiry of the period referred to in clause (b); and

(d) in the opinion of the Designated Minister, reasonable details of the monitoring and evaluation.

**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

**Table incorporated, adopted**

**21** Table ____ of the LARP Implementation Plan is incorporated, adopted and is part of these regulations.[11]

**Legal effect of limits**

**22(1)** In respect of activities reasonably expected to have a direct or indirect effect on the biodiversity of the planning region, a decision-maker shall not issue a statutory consent if

(a) the activity that is the subject of the statutory consent will, in the opinion of the Designated Minister, result in an applicable limit being exceeded, or

[11] This table does not exist yet. When the biodiversity framework is done in 2013 (as directed in the LARP Implementation Plan), the regional plan would need to be amended, with a new table inserted and this Division of the regulations enacted.



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(b) an applicable limit in respect of the activity referred to in clause (a) has, in the opinion of the Designated Minister, been exceeded.

**(2)** For greater clarification, in reaching an opinion under subsection (1), the Designated Minister may consider such information as in the Designated Minister's opinion is material to

(a) the activity or activities,

(b) the relevant area or relevant part of the area in which the activity is to occur,

(c) the relevant area or relevant part of the area in which an effect or effects of the activity or activities are reasonably expected to occur, and

(d) any other matter that in the Designated Minister's opinion is advisable under a program under section 20.

**Management response**

**23(1)** If the Designated Minister determines that a trigger or limit has been exceeded the Designated Minister must direct the appropriate official in the Designated Minister's government department to initiate a management response consistent with the framework.

**(2)** A person responsible shall comply with the lawful directions of an official in respect of a management response referred to in subsection (1).[12]

**(3)** An official responsible for initiating a management response under this section shall as soon as practicable report to the Designated Minister in writing the details and the effect of the management response.

[12] Authority for these lawful directions will flow from the home legislation under which the official is acting. The official responding must have authority under the *Public Lands Act*, *Wildlife Act*, *Fisheries (Alberta) Act*, and other applicable enactments.



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**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

## Part 3
## Effects Management

**Designated Minister**

**24(1)** For the purposes of this Part, the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Environmental Protection and Enhancement Act* and the *Water Act* is the Designated Minister.[13]

**(2)** If the Minister responsible for the *Environmental Protection and Enhancement Act* and the Minister responsible for the *Water Act* are not the same Minister, then those Ministers shall be jointly the Designated Minister, and a reference in this Part to the Designated Minister shall be deemed to be a reference to both of them.

**Application of Part**

**25(1)** Subject to subsection (2), this Part applies to

(a) the Crown,

(b) decision-makers,

(c) local government bodies, and

(d) subject to section 15.1 of the Act, all other persons

in respect of activities and the effects of human endeavour and activities in the planning region.

**(2)** If, in the Designated Minister's opinion, an activity or proposed activity in respect of land in another planning region is

[13] As of April 1, 2011, this means the Minister of Environment. Sections 2, 4, 12, and 37 of the *Environmental Protection and Enhancement Act* put programs, monitoring and protection of the environment, defined as air, land and water and all things within and upon these into the mandate of the Minister responsible for the Act. Similar provisions respecting the aquatic environment are found in the *Water Act*.



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directly or indirectly contributing to exceeding a limit or trigger within the meaning of this Part the Designated Minister may, by order, declare this Part applicable to a person in the other planning region and direct the person to comply with this Part in respect of the activity or proposed activity whether or not a statutory consent has been issued for the activity or proposed activity.

## Division 1
## Air Quality

**Definitions**

**26(1)** In this Division,[14]

(a) "framework" means the Air Quality Management Framework for the Lower Athabasca Region adopted under the LARP Implementation Plan;

(b) "limit" means the applicable limit specified in the table incorporated and adopted under section 28;

(c) "person responsible" has the same meaning as defined in the *Environmental Protection and Enhancement Act*;

(d) "trigger" means the applicable trigger specified in the table incorporated and adopted under section 28.

**(2)** In any proceedings under this Division substances measured at monitoring stations established and maintained under a program referred to in section 27 shall be conclusive evidence of the concentrations of the measured substances in the relevant airshed or part of the airshed of the planning region.

**Programs to manage effects**

**27(1)** In respect of the framework, the Designated Minister shall establish and maintain programs:

(a) managing ambient air quality limits and triggers for substances that in the opinion of the Designated Minister

[14] "activity" is defined in ALSA, EPEA and the *Water Act*. In these sections, the definition of "activity" is the one found in ALSA; in the related amendments to the Water (Ministerial) Regulation, the "activity" referred to there is the *Water Act* definition.



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are indicators of the air quality effects of concern for the planning region;

(b) regulating the sources of substances referred to in clause (a);

(c) monitoring and evaluating the ambient air quality in the planning region as part of a provincial air monitoring program;

(d) evaluating the effectiveness of the framework in meeting the air quality objectives stated in the LARP Implementation Plan;

(e) reporting on the monitoring and evaluation referred to in clauses (c) and (d), including reporting on adverse trends or effects; and

(f) informing decision-makers about applicable limits for the purposes of section 29.

**(2)** The Designated Minister may, by order, establish delegated authorities and the delegation to one or more delegated authorities of the performance of any of the Designated Minister's duties or functions or the exercise of any of the Designated Minister's powers under this Part and make any provision with respect to any such delegation that is made with respect to the Department of Labour in Schedule 10 to the *Government Organization Act* or that may be made by regulations under section 2 of that Schedule.

**(3)** The Designated Minister shall report under clause (1)(e):

(a) in writing;

(b) not less than once within the first 4 years following the coming into force of the Lower Athabasca Regional Plan;

(c) not less than once within the next following 5 years after the expiry of the period referred to in clause (b); and

(d) in the opinion of the Designated Minister, reasonable details of the monitoring and evaluation.



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**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

**Tables incorporated, adopted**

**28** Tables C-1 and C-2 of the LARP Implementation Plan are incorporated, adopted and are part of these regulations.

**Legal effect of limits**

**29** In respect of activities reasonably expected by a decision-maker to have a direct or indirect effect on the air of the planning region, the decision-maker shall not issue a statutory consent if

(a) the activity that is the subject of the statutory consent will, in the opinion of the Designated Minister, result in an applicable limit being exceeded, or

(b) an applicable limit in respect of the activity referred to in clause (a) has, in the opinion of the Designated Minister, been exceeded.

**(2)** For greater clarification, in reaching an opinion under subsection (1), the Designated Minister may consider such information as in the Designated Minister's opinion is material to

(a) the activity or activities,

(b) the relevant area or relevant part of the area in which the activity is to occur,

(c) the relevant area or relevant part of the area in which an effect or effects of the activity or activities are reasonably expected to occur, and

(d) any other matter that in the Designated Minister's opinion is advisable under a program under section 27.

**Management response**

**30(1)** If the Designated Minister determines that a trigger or limit has been exceeded the Designated Minister must direct the appropriate official in the Designated Minister's government



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department to initiate a management response consistent with the framework.

**(2)** A person responsible shall comply with the lawful directions of an official in respect of a management response referred to in subsection (1).[15]

**(3)** An official responsible for initiating a management response under this section shall as soon as practicable report to the Designated Minister in writing the details and the effect of the management response.

**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

## Division 2
## Surface Water Quality

**Definitions**

**31(1)** In this Division,

(a) "framework" means the Surface Water Quality Management Framework for the Lower Athabasca River adopted under the LARP Implementation Plan;

(b) "limit" means the applicable limit specified in the table incorporated and adopted under section 33;

(c) "Lower Athabasca River" means that portion of the Athabasca River commencing at the easternmost boundary of the Grand Rapids Wildland Provincial Park to the confluence of with Lake Athabasca;

(d) "person responsible" has the same meaning as defined in the *Water Act*;

(e) "trigger" means the applicable trigger specified in the table incorporated and adopted under section 33; and

[15] Authority for these lawful directions will flow from the home legislation under which the official is acting. The official responding will have authority under the *Environmental Protection and Enhancement Act* and other current enactments under the administration of Alberta Environment.



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(f) "water" has the same meaning as defined in the *Water Act*.

**(2)** In any proceedings under this Division substances measured at monitoring stations established and maintained under a program referred to in section 32 shall be conclusive evidence of the concentrations of the measured substances in the water of the Lower Athabasca River.

**Programs to manage effects**

**32(1)** In respect of the framework, the Designated Minister shall establish and maintain programs:

(a) managing water quality limits and triggers for substances that in the opinion of the Designated Minister are indicators of the surface water quality effects of concern for the Lower Athabasca River;

(b) regulating the sources of substances referred to in clause (a);

(c) monitoring and evaluating the water quality in the Lower Athabasca River;

(d) evaluating the effectiveness of the framework in meeting the water quality objectives for the Lower Athabasca River stated in the LARP Implementation Plan;

(e) reporting on the monitoring and evaluation referred to in clauses (c) and (d), including reporting on adverse trends or effects; and

(f) informing decision-makers about applicable limits for the purposes of section 34.

**(2)** The Designated Minister may, by order, establish delegated authorities and the delegation to one or more delegated authorities of the performance of any of the Designated Minister's duties or functions or the exercise of any of the Designated Minister's powers under this Part and make any provision with respect to any such delegation that is made with respect to the Department of Labour in Schedule 10 to the *Government Organization Act* or that may be made by regulations under section 2 of that Schedule.



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**(3)** The Designated Minister shall report under clause (1)(e):

(a) in writing;

(b) not less than once within the first 4 years following the coming into force of the Lower Athabasca Regional Plan;

(c) not less than once within the next following 5 years after the expiry of the period referred to in clause (b); and

(d) in the opinion of the Designated Minister, reasonable details of the monitoring and evaluation.

**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

**Tables incorporated, adopted**

**33** Tables E-1 and E-2 of the LARP Implementation Plan are incorporated, adopted and are part of these regulations.

**Legal effect of limits**

**34(1)** In respect of activities reasonably expected to have a direct or indirect effect on the water of the Lower Athabasca River, a decision-maker shall not issue a statutory consent if

(a) the activity that is the subject of the statutory consent will, in the opinion of the Designated Minister, result in an applicable limit being exceeded, or

(b) an applicable limit in respect of the activity referred to in clause (a) has, in the opinion of the Designated Minister, been exceeded.

(2) For greater clarification, in reaching an opinion under subsection (1), the Designated Minister may consider such information as in the Designated Minister's opinion is material to

(a) the activity or activities,

(b) the relevant area or relevant part of the area in which the activity is to occur,



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(c) the relevant area or relevant part of the area in which an effect or effects of the activity or activities are reasonably expected to occur, and

(d) any other matter that in the Designated Minister's opinion is advisable under a program under section 32.

**Management response**

**35(1)** If the Designated Minister determines that a trigger or limit has been exceeded the Designated Minister must direct the appropriate official in the Designated Minister's government department to initiate a management response consistent with the framework.

**(2)** A person responsible shall comply with the lawful directions of an official in respect of a management response referred to in subsection (1).[16]

**(3)** An official responsible for initiating a management response under this section shall as soon as practicable report to the Designated Minister in writing the details and the effect of the management response.

**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

## Division 3
## Groundwater[17]

**Definitions**

**36(1)** In this Division.

[16] Authority for these lawful directions will flow from the home legislation under which the official is acting. If an official directs someone to do something in response to a surface water quality trigger or limit in the Athabasca River, the official must have the legal authority to do so.
[17] this would be considered an issue-specific plan under s.10 of ALSA; you could reference it as such in the Strategic Plan.



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(a) "framework" means the Groundwater Management Framework for the Lower Athabasca Region adopted under the LARP Implementation Plan;

(b) "groundwater" has the same meaning as defined in the *Water Act*;

(c) "limit" means the applicable limit specified in the table incorporated and adopted under section 38;

(d) "person responsible" has the same meaning as defined in the *Environmental Protection and Enhancement Act*; and

(e) "trigger" means the applicable trigger specified in the table incorporated and adopted under section 38.

**(2)** In any proceedings under this Division substances measured at monitoring stations established and maintained under a program referred to in section 37 shall be conclusive evidence of the concentrations of the measured substances in the relevant groundwater in the planning region.

**Programs to manage effects**

**37(1)** In respect of the framework, the Designated Minister shall establish and maintain programs:

(a) managing water quantity and quality limits and triggers for variables that in the opinion of the Designated Minister are indicators of the groundwater quantity and quality effects of concern for groundwater quantity and quality in the planning region;

(b) regulating the sources of variables referred to in clause (a);

(c) monitoring and evaluating the groundwater quantity and quality in the planning region;

(d) evaluating the effectiveness of the framework in meeting the groundwater quantity and quality objectives for groundwater stated in the LARP Implementation Plan;



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(e) reporting on the monitoring and evaluation referred to in clauses (c) and (d), including reporting on adverse trends or effects; and

(f) informing decision-makers about applicable limits for the purposes of section 39.

**(2)** The Designated Minister may, by order, establish delegated authorities and the delegation to one or more delegated authorities of the performance of any of the Designated Minister's duties or functions or the exercise of any of the Designated Minister's powers under this Part and make any provision with respect to any such delegation that is made with respect to the Department of Labour in Schedule 10 to the *Government Organization Act* or that may be made by regulations under section 2 of that Schedule.

**(3)** The Designated Minister shall report under clause (1)(e):

(a) in writing;

(b) not less than once within the first 4 years following the coming into force of the Lower Athabasca Regional Plan;

(c) not less than once within the next following 5 years after the expiry of the period referred to in clause (b); and

(d) in the opinion of the Designated Minister, reasonable details of the monitoring and evaluation.

**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

**Tables incorporated, adopted**

**38** Tables D-1, D-2 and D-3 of the LARP Implementation Plan are incorporated, adopted and are part of these regulations.

**Legal effect of limits**

**39** In respect of activities reasonably expected to have a direct or indirect effect on the groundwater of the planning region, a decision-maker shall not issue a statutory consent if



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(a) the activity that is the subject of the statutory consent will, in the opinion of the Designated Minister, result in an applicable limit being exceeded, or

(b) an applicable limit in respect of the activity referred to in clause (a) has, in the opinion of the Designated Minister, been exceeded.

(2) For greater clarification, in reaching an opinion under subsection (1), the Designated Minister may consider such information as in the Designated Minister's opinion is material to

(a) the activity or activities,

(b) the relevant area or relevant part of the area in which the activity is to occur,

(c) the relevant area or relevant part of the area in which an effect or effects of the activity or activities are reasonably expected to occur, and

(d) any other matter that in the Desigrated Minister's opinion is advisable under a program under section 37.

**Management response**

**40(1)** If the Designated Minister determines that a trigger or limit has been exceeded the Designated Minister must direct the appropriate official in the Designated Minister's government department to initiate a management response consistent with the framework.

**(2)** A person responsible shall comply with the lawful directions of an official in respect of a management response referred to in subsection (1).[15]

**(3)** An official responsible for initiating a management response under this section shall as soon as practicable report to the

[15] Authority for these lawful directions will flow from the home legislation under which the official is acting. If an official directs someone to do something in response to a groundwater quality or quantity trigger or limit, the official must have the legal authority to do so.



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Designated Minister in writing the details and the effect of the management response.

**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.

**Groundwater management plans**

**41(1)** Subject to subsection (2), the holder of an approval, preliminary certificate or licence in respect of groundwater under the *Water Act* or the *Environmental Protection and Enhancement Act* shall, to the satisfaction of the Designated Minister, establish groundwater management plans within the meaning of the framework.

**(2)** The requirements of subsection (2) do not apply to users of groundwater for household purposes or traditional agricultural users within the meaning of sections 21 and 24, respectively, of the *Water Act*.

## Part 4
## Recreation and Tourism

**Designated Minister**

**42** For the purposes of this Part, the Minister designated under section 16 of the *Government Organization Act* as the Minister responsible for the *Provincial Park Act* is the Designated Minister.[19]

**Application of Part**

**43(1)** This Part applies to

(a) the Crown,

(b) decision-makers,

(c) local government bodies, and

(d) subject to section 15.1 of the Act, all other persons

[19] As of April 1, 2011, this means the Minister of Tourism, Parks and Recreation.



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in respect of activities and the effects of human endeavour and activities in the planning region situated on public land under the administration of a government department.

**Definitions**

**44** In this Part.

(a) "public lands area for recreation and tourism" means a public land use zone declared under schedules 6 – 11;

(b) "provincial recreation area" means a recreation area within the meaning of the *Provincial Parks Act* as may be designated under that Act and directed under the LARP Implementation Plan.[20]

**Objectives in public lands areas for recreation and tourism**

**45(1)** Subject to section 47(d) and subsections (3), a decision-maker shall not issue or renew a statutory consent in a public lands area for recreation and tourism unless in the Designated Minister's opinion the activity or proposed activity in respect of an activity or proposed activity in the public lands area for recreation and tourism will protect or enhance one or more of the following objectives in the following order of priority:

(a) first, to increasing the availability and diversity of recreational opportunities available to residents of the region;

(b) second, to promoting the optimization of the region's tourism potential, including investment in and development of the tourism resources in the area;

(c) third, to promoting investment in and development of the natural resources in the area;

[20] The LARP Implementation Plan includes a map of proposed provincial recreation areas. These recreation areas may be established by the government as budgets and resources permit.



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(d) fourth, to managing commercial and industrial impacts on recreation and tourism values in the area;

(e) fifth, any other objective consistent with the recreation and tourism objectives stated in the LARP Implementation Plan.

**(2)** ) Subject to section 47(d) and subsection (3), if there is a conflict between one or more of the objectives for a public lands area for recreation and tourism in respect of an activity or proposed activity in the public lands area for recreation and tourism, a decision-maker must not issue or renew a statutory consent for the activity or proposed activity unless, in the opinion of the Designated Minister, the objective referred to in clause (1)(a) will be protected or enhanced under the terms of the statutory consent.

**(3)** Agreements under the *Mines and Minerals Act* and dispositions under the *Public Lands Act* may be renewed under the provisions of those Acts in a public lands area for recreation and tourism if:

(a) the agreement or disposition is valid and subsisting at the time the Lower Athabasca Regional Plan comes into force;

(b) the agreement or disposition is incidental to an agreement or disposition within the meaning of section 47(d); and

(c) the agreement or disposition is, at the effective date of renewal, in good standing under the provisions of the enactments applicable to the agreement or disposition.

**Programs to manage objectives**

**46(1)** In respect of the land-use in a public lands area for recreation and tourism or provincial recreation area, the Designated Minister shall establish and maintain programs:

(a) managing recreation and tourism values that in the opinion of the Designated Minister are indicators of the recreational opportunities in the public lands area for recreation and tourism or provincial recreation area;



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(b) promoting the conservation and preservation of sources of recreation and tourism values referred to in clause (a);

(c) evaluating the effectiveness of the public lands area for recreation and tourism or provincial recreation area in meeting the recreation and tourism objectives in the LARP Implementation Plan;

(d) reporting on the evaluation referred to in clause (c), including reporting on adverse trends or effects; and

(e) informing decision-makers about the protection and enhancement of objectives for the purposes of section 45.

**(2)** The Designated Minister may, by order, establish delegated authorities and the delegation to one or more delegated authorities of the performance of any of the Designated Minister's duties or functions or the exercise of any of the Designated Minister's powers under this Part and make any provision with respect to any such delegation that is made with respect to the Department of Labour in Schedule 10 to the *Government Organization Act* or that may be made by regulations under section 2 of that Schedule.

**(3)** The Designated Minister shall report under clause (1)(d):

(a) in writing;

(b) not less than once within the first 4 years following the coming into force of the Lower Athabasca Regional Plan;

(c) not less than once within the next following 5 years after the expiry of the period referred to in clause (b); and

(d) in the opinion of the Designated Minister, reasonable details of the monitoring and evaluation.

**(4)** A report referred to in subsection (3) shall be publicly available in its entirety in electronic and hard copy upon request by a person and posted on the secretariat's website.



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# Part 5
# Transitional, Coming into Force, Expiry and Related Amendments

**Transitional**

**47** On the coming into force of the Lower Athabasca Regional Plan,

(a) except as otherwise provided in these regulations, the Lower Athabasca Regional Plan applies to an application for a statutory consent whether the application is made before or after the time the Lower Athabasca Regional Plan comes into force;

(b) except as otherwise provided in these regulations, if a statutory consent has been issued and the Lower Athabasca Regional Plan makes the activity in respect of which the statutory consent was issued non-compliant with these regulations, the statutory consent continues in effect in spite of the coming into force of the Lower Athabasca Regional Plan;

(c) for greater clarification, a non-compliant activity referred to in clause (b) is subject to lawful directions of an official under sections 23, 30, 35 and 40 to a person responsible within the meaning of those sections;

(d) in respect of an application after the coming into force of the Lower Athabasca Regional Plan for a statutory consent that a decision maker reasonably believes is incidental to an agreement under the *Mines and Minerals Act* or a disposition under the *Public Lands Act* that is valid and subsisting at the time the Lower Athabasca Regional Plan comes into force, the decision maker shall consider the application for the incidental statutory consent with due regard to the LARP Strategic Plan and the LARP Implementation Plan, but shall render his or her decision in respect of the application notwithstanding the provisions of sections 15 and 45;[21]

[21] This provision promotes the intent of the LARP policy direction being carried out, while honouring the Crown's contractual commitments to tenure holders.



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(e) a statutory consent referred to in clause (d) shall not be deemed to include a renewal of the agreement or disposition.

**Coming into Force**

**48** The Lower Athabasca Regional Plan comes into force on September 1, 2011.

**Expiry**

**49** For the purpose of ensuring that these regulations are reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, these regulations expire on November 30, 2021.

**Amends AR 205/98**

**50(1) The *Water (Ministerial) Regulation* is amended by this section.**

**(2) Section 1(1) is amended by adding the following after clause (v):**

(v.1)"person responsible", when used with reference to an activity, a substance, a thing containing a substance, or a variable means

(i) the owner and a previous owner of the substance or thing,

(ii) every person who has or has had charge, management or control of the activity, substance thing, or variable including, without limitation, the manufacture, treatment, sale, handling, use, storage, disposal, transportation, display or method of application of the activity, substance, thing, or variable,

(iii) any successor, assignee, executor, administrator, receiver, receiver manager or trustee of a person referred to in subclause (i) or (ii), and



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(iv) a person who acts as the principal or agent of a person referred to in subclause (i), (ii) or (iii),

but does not include

(v) a municipality in respect of

(A) a parcel of land shown on its tax arrears list, unless after the date on which the municipality is entitled to possession of the parcel under section 420 of the *Municipal Government Act* or becomes the owner of the parcel under section 424 of that Act the municipality releases on that parcel a new or additional substance into the aquatic environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the aquatic environment on that parcel, or

(B) a parcel of land acquired by it by dedication or gift of an environmental reserve, municipal reserve, school reserve, road, utility lot or right of way under Part 17 of the *Municipal Government Act*, unless after the date on which the land is acquired the municipality releases on that parcel a new or additional substance into the aquatic environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the aquatic environment on that parcel,

(vi) a person who investigates or tests water in or on a parcel of land for the purpose of determining the quality or quantity of the water on that parcel, unless the investigation or test releases on that parcel a new or additional substance into the aquatic environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the aquatic environment on that parcel, or

(vii) the Minister responsible for the *Unclaimed Personal Property and Vested Property Act*, with respect to a



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parcel of land to which that Act applies, unless after the date on which the Minister takes possession of the parcel of land the actions of the Minister or persons under the control of the Minister release on that parcel a new or additional substance into the aquatic environment that may cause, is causing or has caused an adverse effect or aggravates the adverse effect of the release of a substance into the aquatic environment on that parcel.

## Schedule 1
## CANADIAN SHIELD WILDLAND PARK

**Transitional**

**1(1)** Upon the coming into force of the Lower Athabasca Regional Plan, the following statutory consents shall be rescinded[22] to the extent of the lands under the statutory consent that are within the park:

(a) Oil Sands Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____;

(b) Metallic and Industrial Minerals Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____.

**(2)** The holder of the statutory consent referred to in clauses (1)(a) and (b) may apply for a determination of any compensation payable according to the Mineral Rights Compensation Regulation under the *Mines and Minerals Act*.

**Zone area**

**2** The following land is designated as a wildland park to be known as "Canadian Shield Wildland Park", as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

[22] This assumes Bill 10 receives royal assent before the regional plan is passed.



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# Schedule 2[23]
# RICHARDSON WILDLAND PARK

**Transitional**

**1(1)** Upon the coming into force of the Lower Athabasca Regional Plan, the following statutory consents shall be rescinded[24] to the extent of the lands under the statutory consent that are within the park:

(a) Oil Sands Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____;

(b) Metallic and Industrial Minerals Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____.

**(2)** The holder of the statutory consent referred to in clauses (1)(a) and (b) may apply for a determination of any compensation payable according to the Mineral Rights Compensation Regulation under the *Mines and Minerals Act*.

**Zone area**

**2** The following land is designated as a wildland park to be known as "Richardson Wildland Park", as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

[23] This is the area identified on the LARP Implementation Plan map as 2.
[24] This assumes Bill 10 receives royal assent before the regional plan is passed.



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# Schedule 3
# GYPSY-GORDON WILDLAND PARK

**Transitional**

**1(1)** Upon the coming into force of the Lower Athabasca Regional Plan, the following statutory consents shall be rescinded[25] to the extent of the lands under the statutory consent that are within the zone:

(a) Forest Management Agreement between HMTQ as represented by the Minister of Sustainable Resource Development and _____ under OC _____/_____ ;

(b) Timber Quota No. _____ issued under the *Forests Act*;

(c) Oil Sands Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____; and

(d) Metallic and Industrial Minerals Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____.

**(2)** The holder of the statutory consent referred to in clause (1)(a) may apply for a determination of any compensation payable according to the terms of the Forest Management Agreement under section 19 of the *Forests Act*.

**(3)** The holder of the statutory consent referred to in clause (1)(b) may apply for a determination of any compensation under section 27 of the *Forests Act*.

**(4)** The holder of the statutory consent referred to in clauses (1)(c) and (d) may apply for a determination of any compensation payable according to the Mineral Rights Compensation Regulation under the *Mines and Minerals Act*.

[25] This assumes Bill 10 receives royal assent before the regional plan is passed.



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**Zone area**

**2** The following land is designated as a wildland park to be known as "Gypsy-Gordon Wildland Park", as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

## Schedule 4
## BIRCH RIVER CONSERVATION AREA PUBLIC LAND USE ZONE

**Transitional**

**1(1)** Upon the coming into force of the Lower Athabasca Regional Plan, the following statutory consents shall be rescinded[26] to the extent of the lands under the statutory consent that are within the zone:

(a) Oil Sands Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____;

(b) Metallic and Industrial Minerals Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____.

**(2)** The holder of the statutory consent referred to in clauses (1)(a) and (b) may apply for a determination of any compensation payable according to the Mineral Rights Compensation Regulation under the *Mines and Minerals Act*.

**Zone area**

**2** The Birch River Conservation Area Public Land Use Zone shall include all those portions of the following land as shown

[26] This assumes Bill 10 receives royal assent before the regional plan is passed.



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outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

## Schedule 5
## DILLON RIVER CONSERVATION AREA PUBLIC LAND USE ZONE

**Transitional**

**1(1)** Upon the coming into force of the Lower Athabasca Regional Plan, the following statutory consents shall be rescinded[27] to the extent of the lands under the statutory consent that are within the zone:

(a) Oil Sands Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____;

(b) Metallic and Industrial Minerals Agreement No. _____ between HMTQ as represented by the Minister of Energy and _____.

**(2)** The holder of the statutory consent referred to in clauses (1)(a) and (b) may apply for a determination of any compensation payable according to the Mineral Rights Compensation Regulation under the *Mines and Minerals Act*.

**Zone area**

**2** The Dillon River Conservation Area Public Land Use Zone shall include all those portions of the following land as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

[27] This assumes Bill 10 receives royal assent before the regional plan is passed.



This material is intended for discussion purposes only and is a model of what the proposed regulation might look like. It is not in any way intended as a representation of Government of Alberta policy, and the Lieutenant Governor in Council has not made any decision with respect to the subject matter of this material.

## Schedule 6[28]
## SLAVE RIVER SOUTH PUBLIC LANDS AREAS FOR RECREATION AND TOURISM PUBLIC LAND USE ZONE

**Zone area**

**1** The Slave River South Public Lands Areas for Recreation and Tourism Public Land Use Zone shall include all those portions of the following land as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

## Schedule 7[29]
## LAKE ATHABASCA PUBLIC LANDS AREAS FOR RECREATION AND TOURISM PUBLIC LAND USE ZONE

**Zone area**

**1** The Lake Athabasca Public Lands Areas for Recreation and Tourism Public Land Use Zone shall include all those portions of the following land as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

[28] This public land use zone is identified as public lands area for recreation and tourism 1 on the LARP Implementation Plan map

[29] This public land use zone is identified as public lands area for recreation and tourism 2 on the LARP Implementation Plan map.



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## Schedule 8[30]
## RICHARDSON PUBLIC LANDS AREA FOR RECREATION AND TOURISM PUBLIC LAND USE ZONE

**Zone area**

**1** The Richardson Public Lands Area for Recreation and Tourism Public Land Use Zone shall include all those portions of the following land as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

## Schedule 9[31]
## ATHABASCA RIVER PUBLIC LANDS AREAS FOR RECREATION AND TOURISM PUBLIC LAND USE ZONE

**Zone area**

**1** The Athabasca River Public Lands Areas for Recreation and Tourism Public Land Use Zone shall include all those portions of the following land as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

[30] This public land use zone is identified as public lands area for recreation and tourism 3 on the LARP Implementation Plan map

[31] This public land use zone is identified as public lands area for recreation and tourism 4 on the LARP Implementation Plan map



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## Schedule 10[32]
## CLEARWATER RIVER PUBLIC LANDS AREA FOR RECREATION AND TOURISM PUBLIC LAND USE ZONE

**Zone area**

**1** The Clearwater River Public Lands Area for Recreation and Tourism Public Land Use Zone shall include all those portions of the following land as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

## Schedule 11[33]
## HOUSE RIVER PUBLIC LANDS AREA FOR RECREATION AND TOURISM PUBLIC LAND USE ZONE

**Zone area**

**1** The House River Public Lands Area for Public Land Use Zone shall include all those portions of the following land as shown outlined on a plan on file in the government department of the Designated Minister as No._____:

**[NOTE TO DRAFT: insert legal land description here]**

[32] This public land use zone is identified as public lands area for recreation and tourism 5 on the LARP Implementation Plan map
[33] This public land use zone is identified as public lands area for recreation and tourism 6 on the LARP Implementation Plan map



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